HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

W.P.No.35880 of 1997

Dated 15th Day of March, 2007

Between:

K. Venkatramaiah .. Petitioner

And

The Special Commissioner for Land Revenue
Nampally, Hyderabad
and three others ..
Respondents

O R D E R:

This writ petition is filed seeking a mandamus to declare the order dated 15.10.1997 passed by the 1st respondent by which the order dated 22.5.1995 of the 2nd respondent was confirmed, as arbitrary and illegal, and consequently direct the respondents not to dispossess the petitioner from his land of an extent of Ac.1.30 cents.

The brief facts of the case are that the petitioner has been in possession and enjoyment of an extent of Ac.1.30 cents of land in S.No.228/4 situated at Cherukuvaripalli village for more than 20 years and has brought it under cultivation. The authorities, after conducting through enquiry, assigned the land and also gave patta to the petitioner, whose name is found in 10(1) Adangals. Now, the petitioner's grievance is that the 1st respondent passed the impugned order cancelling the assignment made in favour of the petitioner and restoring the land in question to the 4th respondent.

When the matter is taken up, the learned counsel for the petitioner has submitted that he is no more holding vakalat, as such, he has no instructions.

A detailed counter affidavit is filed, according to which, the petitioner encroached the land in question, which was assigned to the husband of the 4th respondent, and hence, the petitioner's possession of it is illegal.

Heard the learned Government Pleader for Revenue and

perused the entire material placed on record.

Originally, the land in question was assigned in favour of the husband of the 4th respondent, thereafter, the 4th respondent inherited the property. Maybe, it is true that she was out of her village for sometime and did not cultivate the land. On that score, the 3rd respondent-Mandal Revenue Officer is competent to cancel the assignment made in favour of the 4th respondent, but the 3rd respondent, without passing any order cancelling the assignment, assigned the land in favour of the petitioner. Subsequently, the 4th respondent, after coming to know of the assignment of the land in favour of the petitioner, questioned the same before the Joint Collector as well as the Special Commissioner for Land Revenue, i.e. the respondents 1 and 2 herein, who cancelled the assignment. In fact, everything was done only in accordance with law, and hence, the orders impugned need not be interfered with. However, it is brought to the notice of this Court that the 4th respondent is no more. If really the 4th respondent died, the authorities may consider the assignment of the land in question in favour of the petitioner.

With the above observation, this writ petition is disposed of. No costs.

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15.03.2007

bcj